

**A new Community action programme  
on the promotion of  
equal opportunities for women**

**1982-85**

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# Introduction

1. The Community's longstanding commitment to the improvement of the situation of women has established it as a pioneer and innovator in this field. The task of achieving equal treatment and equal opportunities for men and women in society, and particularly in employment, is inevitably long and complex. The Community has a responsibility to sustain its commitment and carry forward its activity, building on its achievements to date and adapting its policies in the light of economic and social development. This new action programme is designed to achieve that purpose.

2. Community action in this field began in the early 1960s with studies, conferences and recommendations on the progress achieved in the Member States in the implementation of Article 119 of the Treaty, concerning equal pay for men and women. Studies on the employment of women followed, and an important step forward was the Council Resolution of 1974 on the social action programme, which expressed the political will to achieve equality as regards access to employment, training and conditions of employment. The implementation of the Council's Resolution gave rise to the 'Memorandum'<sup>1</sup> — in effect a Community 'programme' designed to improve the situation of working women and comprising three Directives which constitute the framework of Community action:

(i) the Council Directive of 10 February 1975 concerning the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women (Directive 75/117);<sup>2</sup>

(ii) the Council Directive of 9 February 1976 concerning the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (Directive 76/207);<sup>3</sup> and

(iii) the Council Directive of 19 December 1978 concerning the progressive implementation of the principle of equal treatment for men and women in matters of social security (Directive 79/7).<sup>4</sup>

These legal instruments have played a role in stimulating action by the Member States and

have hastened the adoption of national legislation in this field.

3. The Community's financial instruments, especially the European Social Fund, have contributed to the achievement in practice of equal opportunities for men and women. In particular, the Council Decision of 20 December 1977 concerning intervention by the European Social Fund on behalf of women (77/804)<sup>5</sup> has given an impetus to Community policy aimed at desegregating employment by providing financial support for special training measures designed to afford access by women to jobs where they have traditionally been under-represented.

4. Over the years, the Community has also built up a whole series of exchanges of information and experience with and between the parties concerned in the field, as a result of the cooperation of national women's organizations and the social partners, on the one hand, and on the other, the Commission's own information activities and involvement in some of the most important women's events at national and international level.

## The economic and social context

5. There is a clear need to build on the Community's achievements since equal opportunities for men and women will only be attained by sustained action over a long period. This means reinforcing the Community's role as prime mover in improving the situation of women, not only through legal measures providing for equal treatment, especially in employment, but also by complementing these measures with diverse forms of 'positive action' in specific fields as provided for in particular by Article 2(4) of Directive 76/207. Positive action, which has been fairly widely developed in North America and in Scandinavian countries in recent years, is still at an embryonic stage in most Member States.

<sup>1</sup> 'Equal treatment for male and female workers (access to employment and to vocational training and promotion, and working conditions)', Commission communication to the Council - COM(75)36, 12 February 1975.

<sup>2</sup> OJ L 45, 19.2.1975.

<sup>3</sup> OJ L 39, 14.1.1976.

<sup>4</sup> OJ L 6, 10.1.1979.

<sup>5</sup> OJ L 337, 27.12.1977.

6. It is not enough, moreover, for the Community's policy simply to proceed along its existing paths and at its present pace. There is a growing concern that policies should be developed and adapted to take account of the changing economic and social circumstances prevailing in the 1980s as compared with the previous decade.

7. Current economic difficulties will undoubtedly hamper the underlying trend towards equal opportunities, and there is indeed already evidence of this. The majority of working women are in precarious forms of employment, notably the unskilled sector and part-time and temporary work, where they are particularly vulnerable to the growing competition for jobs. The situation of women is exacerbated by the effects of public expenditure cuts on social infrastructures such as crèches and pre-primary education, and by the introduction of manpower-saving technologies in areas such as secretarial work and retailing where female labour is preponderant. As a result of these and other factors, women account for almost half the registered unemployed, although they represent little more than a third of the Community's working population.

Even on entry into the labour market, young women are more affected by unemployment than young men. In spite of the inroads made by certain women in non-traditional occupations, the overall concentration of women in a very limited range of professions has hardly changed.

8. The increasing demand for work by women, which has persisted, despite the economic crisis, must be regarded as an irreversible phenomenon. Policies should be designed to meet this demand, thus supporting the right of women to participate in and contribute to economic life: to seek as a matter of policy to confine women to the home as a response to present employment problems would be to opt for an illusory solution.

9. Current economic and social developments need not, however, be seen as entirely negative so far as equality between men and women is concerned. The movement towards equal opportunities is implicit in many underlying social trends, especially in the changing attitudes to the role of women and to the sharing of parental responsibilities, particularly among younger generations. Moreover, changes in the organiza-

tion of work made possible by technical progress, and particularly the prospect of shorter and more flexible working hours, should make it easier for both men and women to combine a working life with family responsibilities.

10. These changes, which create new opportunities for women in employment, were discussed in the Commission's communications on 'The problem of unemployment: elements for reflection'<sup>1</sup> and the same train of thought was subsequently reflected in the conclusions of the joint Council of Economic, Financial and Social Affairs Ministers on 11 June 1981.<sup>2</sup>

In the same spirit, the Commission will continue to take into consideration and pursue the commitment to equal opportunities for women across a whole range of policy areas, particularly at the stage of policies formulation. Other examples of the Commission's efforts in this direction are the medical research programme, its recent communication on the impact of new technologies and its continuing work in the field of part-time and temporary work, on which it intends to make proposals soon.

## Recent developments

11. With the aim of taking stock of past achievements and discussing future prospects, the Commission organized a conference in Manchester in May 1980 which brought together representatives of the various national committees for women's employment and equal opportunities.<sup>3</sup> The conference's conclusions were taken into account and further developed by the European Parliament's *ad hoc* committee on women's rights which was working during the same period and to which the Commission also contributed. The European Parliament's resolution of 11 February 1981 on the position of women in the European Community,<sup>4</sup> which was the result of the preparatory work in the *ad hoc* committee, makes significant and wide-

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<sup>1</sup> Bull. EC 4-1981, points 1.1.1 to 1.1.11.

<sup>2</sup> Bull. EC 6-1981, points 1.3.1 and 1.3.2.

<sup>3</sup> Conference on Equality for Women: Assessment, Problems, Perspectives — A European Project, held in Manchester from 28 to 30 May 1980 under the auspices of the Commission in conjunction with the UK Equal Opportunities Commission.

<sup>4</sup> OJ C 50, 9.3.1981.

ranging demands on the Community institutions to intensify and broaden Community activity in this area. This resolution, which represents an important political standpoint, inspired much of the work in drawing up this programme.

12. These views are also shared by other bodies such as the ETUC (European Trade Union Confederation), which as early as 1979 established a 'programme for the attainment of equal rights and opportunities for women'. The declaration of the high-level OECD conference in May 1980 and the action programme of the

United Nations for 1980-85 reflect a similar concern and approach to the problem. The equal opportunities and women's employment committees/commissions or equivalent bodies operating in the Member States, which the Commission has brought together regularly since December 1980 in a Liaison Group for Equal Opportunities to advise it in this field, have also, together with a number of other women's organizations and the Youth Forum of the European Communities, called on the Commission to give a fresh impetus to its activity on the promotion of equal opportunities.

## The new programme

13. The new programme of action drawn up by the Commission in response to these various developments comprises a series of specific objectives to be promoted by action both at Community level and by Member States.

14. A first set of actions aim at *strengthening the rights of the individual as a way of achieving equal treatment*. With regard to existing Community legislation, the Commission will continue to fulfil its role in ensuring the respect and the implementation of the directives, with recourse, when necessary, to the infringement procedures. It is also necessary to extend the Community legal framework, as provided for, in areas such as that of social security. However, further steps need to be taken to ensure that there is consistency in the interpretation of the directives in the Member States and that newly acquired rights are effectively used, especially by women workers. It is furthermore urgent to clarify certain legal notions such as indirect discrimination which are still unfamiliar and to identify the implications of the directives for other areas of law such as civil, commercial and fiscal law.

The existing national bodies for the promotion of women's employment and equal opportunities have an important role to play in this respect. Such bodies should be set up in all Member States and the network of contacts and exchanges between them further developed.

15. This network should provide a unique source of expertise to assist in the detailed monitoring of Community directives, in particular with respect to comparative case law on sensitive issues such as the concept of 'indirect discrimination'<sup>1</sup> (*Action 1*). The experience of some Member States shows that there is scope for action at all levels to improve arrangements for legal redress in the area of equal treatment (*Action 2*). Further joint action is also necessary to assist Member States in the task of revising protective legislation, as provided for in Directive 76/207, and to promote a consistent approach throughout the Community in this field (*Action 3*).

16. The progressive extension of the existing framework of Community legislation on equal treatment is already foreseen in the area of social security.<sup>2</sup>

Occupational and other non-statutory social security schemes will shortly be the subject of a new Commission proposal. The principle of equal treatment should also be extended to remaining aspects of social security schemes which are currently exempted or otherwise not covered by Community legislation. There are, moreover, certain basic concepts in social security systems (such as, for example, the idea that the man is family provider) which no longer correspond to current reality; this makes it necessary to seek ways of establishing individual rights to social security (*Action 4*).

17. There is also a problem of individual rights for women as regards occupational status as such in the case of self-employed women and women in agriculture. Although they are covered by the field of application of Directive 76/207, they are the subject of indirect discrimination as a result of certain aspects of civil, commercial and fiscal law. Special action at Community level is necessary to overcome these problems. The Commission should play a role in supporting efforts being made in this respect in Member States in order to promote convergence throughout the Community (*Action 5*). It is also time for the Community to focus its attention on correcting the effects of fiscal legislation on equal treatment in working life, particularly in so far as existing systems in Member States may be the cause of indirect discrimination against women (*Action 6*).

18. Legal measures in other areas of social policy designed to improve living and working conditions have an important indirect role to play in promoting equality in employment. An example of this is the extension of opportunities for leave from work, particularly parental leave and leave for family reasons.

Community guidelines should be drawn up in this respect, in the context of policies concerning the reorganization of working time, which do not operate against women's interests and which support current trends, particularly among young couples, towards a more equal sharing of parental responsibilities (*Action 7*). In the specific area of maternity leave and provisions for the protection of women during pregnancy

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<sup>1</sup> Article 2(1) of Directive 76/207; Article 4 of Directive 79/7.

<sup>2</sup> Article 1(2) of Directive 76/207.



and early motherhood, where both labour law and social security systems are involved, there is great diversity between Member States and between different categories of workers. Action is required at both national and Community level to raise standards of protection, while at the same time seeking to remove disincentives to the employment of women in this respect (*Action 8*).

19. The second set of actions concerns the *achievement of equal opportunities in practice*, particularly by means of positive action programmes to overcome or counteract the non-legal obstacles to equal opportunities, in particular the constraints and conditioning of attitudes based on the traditional segregation of roles in society.

The measures taken by Member States, on the basis of the provision concerning positive action contained in Directive 76/207, merit special analysis and comparison with experience, notably in North America and Scandinavia, with a view to considering further normative action at Community level in this field (*Action 9*).

Most important in this respect is action in the area of initial and further training and vocational guidance as provided for under Articles 2(4) and 4 of Directive 76/207. There should be a vast expansion of specific measures to encourage women into non-traditional occupations, to equip them for the impact of new information technologies, and to take account of the particular situation of women in agriculture, and women returning to the labour market. The Commission, especially through the European Social Fund, and the European Centre for the Development of Vocational Training (Cedefop), which have already played a significant promotional role in this area, should extend its action in this direction, placing further emphasis on the exchange of experience and the comparative evaluation of innovatory actions in this area (*Action 10*). Complementary action is necessary at all levels to stimulate greater awareness, particularly among young men and women and all those influencing their vocational choice, about the range of possible careers available and the poor prospects in certain traditional areas of female employment (*Action 11*).

20. The slow process of change in the direction of the desegregation of employment, in all

sectors and at all levels, should be promoted in particular by specific exemplary action within the public service (*Action 12*) and by detailed monitoring of trends in women's employment and of the impact of the economic recession on women's place in the labour market (*Action 13*). Special efforts should be made at all levels to take account of the situation of immigrant women (*Action 14*).

21. The wider problems of adapting social structures to take account of the changing values associated with the movement towards equal opportunities require further analysis. The responsiveness of policy-makers to pressures for a more equal sharing of occupational, family and social responsibilities will depend largely on increased participation of women in decision-making bodies. Specific attention should be paid to analysing how progress may be made in this direction (*Action 15*).

22. Information activity remains of key importance not only to ensure that women are aware of their rights and responsibilities as workers and parents, but also at a more general level, to enable a wider public, particularly through the mass media, to accept women as equals in all areas of society and to understand the positive aspects of this development (*Action 16*).

23. A detailed description and justification of each of these 16 actions is attached in Annex I. The draft Council Resolution which figures at the end of this text is designed to enable the Council to demonstrate its political commitment to the achievement of the objectives outlined above and to support the Commission in developing its action to the same end.<sup>1</sup>

24. The Commission has drawn up this action programme after consultations with the social partners, and in close cooperation with the Standing Liaison Group on Equal Opportunities (referred to above in paragraph 12).

25. The Commission has decided to give this group a permanent advisory status, in particular to assist it in the implementation of this programme. The new Committee's statute is set

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<sup>1</sup> OJ C 22, 29.1.1982.

out in Annex III to the draft programme.<sup>1</sup> The new body, on which the social partners will have observer status, is designed to complement rather than supplant the usual channels of consultation with the social partners. Grass roots women's organizations in Member States have also an important role to play in the movement towards equal opportunities. The Commission considers it desirable that they should also be able to express themselves at Community level and welcomes the efforts being undertaken by the organizations in question to regroup in an autonomous European body.

26. The Commission plans to begin a main part of the preparatory work on the programme in 1982 and to spread the implementation of the various measures over the period 1983-85.

27. Whereas this programme concerns the situation of women within the European Community, it should be recalled that the Community will also need to take greater account in future of the special problems of women in the developing countries, where an improvement in the status of women is an essential prerequisite of progress.

However, no policy in this field can be devised without the association of the women con-

cerned, a fact that was highlighted in particular at the Copenhagen Conference organized by the United Nations in July 1980. This being so, the Commission intends to set up a study group with representatives of the developing countries and of international non-governmental associations involved in Community development projects.

28. In addition, the Commission feels that it must set an example where positive action is concerned by implementing measures aimed at furthering equal opportunities among its own staff. The action it proposes to take is described in Annex II.

29. The Commission plans to devote 1985, the year in which the United Nations Decade for Women (equality, development and peace) is due to end, to an assessment of the Community's achievements and to outlining future prospects. The Community will thus be able to make an important contribution to progress towards equal opportunities for women.

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<sup>1</sup> OJ L 20, 28.1.1982.

# Draft Council Resolution concerning a new Community action programme on the promotion of equal opportunities for women

The Council of the European Communities,  
Having regard to the Treaties establishing the European Communities,

Having regard to the draft Resolution of the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the social provisions in the Treaty establishing the European Economic Community, in particular Articles 117, 118 and 119, together with the provisions of Articles 100 and 235,

Whereas the Directives adopted by the Council concerning equal treatment between men and women<sup>1</sup> together with the actions in particular of the European Social Fund have played a dynamic role in improving the situation of women;

Whereas, despite past efforts at Community and national level, inequalities in employment still persist in practice and may well be exacerbated in the present crisis conditions;

Whereas, therefore, Community action should be intensified with a view, on the one hand, to strengthening the individual rights of working women and, on the other hand, to the achievement of equal opportunities in practice, in particular by means of positive action programmes,

1. Undertakes to support the implementation of the lines of action defined by the Commission in its communication entitled 'A new Com-

munity action programme on the promotion of equal opportunities for women'.

2. Invites the Member States to take the necessary measures at national level, whether by adopting appropriate laws, regulations or administrative provisions or through policies or programmes supported by the necessary resources for their full implementation.

3. Emphasizes in this regard the importance of strengthening or setting up national bodies for the promotion of women's employment and equal opportunities.

4. Confirms also the need to develop action to increase public awareness and information measures which may support the change in attitudes about the sharing of occupational, family and social responsibilities.

5. Reaffirms the need to promote a more equal representation of women at different levels of responsibility and considers that the public service should set an example in this respect, particularly when nominations are made to bodies attached to the Commission.

6. Declares itself ready to take account of the equal opportunities dimension in the drawing up and implementation of Community policies.

7. Undertakes to consider favourably, in the relevant budgetary procedures, the provision of the financial resources necessary for the implementation of the actions described in the communication.

8. Invites Member States to submit a first report to the Commission by 1 January 1985 on progress accomplished at national level, and notes the undertaking of the Commission to submit an initial overview of the implementation of the new programme before the end of 1985.

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<sup>1</sup> The Council Directive of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women (Directive 75/117/EEC - OJ L 45, 19.2.1975);

the Council Directive of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (Directive 76/207/EEC - OJ L 39, 14.2.1976);

the Council Directive of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (Directive 79/7/EEC - OJ L 6, 10.1.1979).

# Annexes

## TIMETABLE

In order to ensure the implementation of the various measures to be taken under the new programme, the Commission proposes the following timetable:

### *Measures to be initiated in 1982*

1, 3, 4 (occupational schemes), 5, 6, 7, 9, 10, 15 (participation).

### *Measures to be initiated from 1983 onward*

2, 4 (areas not covered and exceptions), 8, 11, 12, 13, 14, 15 (public facilities), 16.

## Details of individual actions

### Achievement of equal treatment by strengthening individual rights

#### *Implementation of existing Community Directives on equal treatment for men and women*

#### **Monitoring of the application of the Directives (Action 1)**

##### *Aim*

To reinforce and to monitor the practical application of the Directives in the ten Member States, their progress and the interpretation given to Community measures at national level, with particular attention to indirect discrimination.

##### *Grounds*

Whilst the Directives are generally being properly transposed into national legislation, some of their provisions are still not being fully applied. The Commission's reports on the application of the Directives cannot deal exhaustively with the various practical obstacles or go into detail on the progress made in their interpretation or on the comparative results of the various practices and policies. A record of the courts' decisions on this subject needs to be compiled and an analysis made of the administrative mechanisms which are delaying the attainment of equal treatment and those which are promoting it. Particular problems exist regarding the application of the Directives in areas where the provisions are open to interpretation, as is the case with the concept of 'indirect discrimination by reference in particular to marital or family status' (Directives 76/207 and 79/7). A more extensive and systematic body of information in these areas could help to stimulate the activities of bodies

promoting women's employment and equal opportunities and provide a basis for comparison across the Community, ensuring a greater consistency in the application of the Directives.

#### *Courses of action*

##### **The Member States**

- should create new bodies or consolidate existing structures for the promotion of women's employment and/or equal opportunities and should encourage such bodies to set up more systematic networks for information exchanges and consultation.

##### **The Commission**

- will develop and foster, through the advisory body on equal opportunities,<sup>1</sup> a network of contacts and exchanges involving representatives of the equal opportunities committees/commissions or equivalent structures existing in the Member States and experts drawn from the various interest groups concerned, in particular from organizations representing management and trade unions;
- will define the concept of indirect discrimination (Article 2(1) of Directive 76/207 and Article 4 of Directive 79/7) on the basis of the analysis and will continue its work on occupational classifications in the context of the practical implementation of the equal pay principle.

#### **Legal redress in respect of equal treatment (Action 2)**

##### *Aim*

To encourage workers to avail themselves of little-used means of redress (including reversal of the burden of proof).

##### *Grounds*

In presenting the reports on the application of Directives 75/117 and 76/207,<sup>2</sup> the Commission

<sup>1</sup> See Annex III.

<sup>2</sup> Bull. EC 1-1979, point 2.1.49; Bull. EC 2-1981, point 2.1.27.

noted that workers, and female workers in particular, made little use of the arrangements for redress provided for by the national law.

The inflexibility of the procedures on the one hand, and the difficulty of assembling evidence of discrimination on the other, explain this reticence in part; high unemployment also discourages female workers from asserting their rights for fear of losing their jobs.

Nevertheless, it appears that in the countries in which special bodies offering advice and assistance have been set up, or more flexible means of redress made available, female workers have become more aware of their rights. This is particularly true of the United Kingdom, where assistance from the Equal Opportunities Commission has resulted in a greater number of cases being brought.

The experience of some Member States with respect to reversal of the burden of proof (the onus is placed on the employer or whoever has acted in an allegedly discriminatory fashion) should likewise be brought to the attention of the other Member States. This reversal is provided for in certain specified cases in Belgium, the Federal Republic of Germany, Ireland and the United Kingdom. These arrangements have not yet, however, proved their worth, and their aim and the way they work needs to be further considered.

### *Courses of action*

#### **The Member States**

- should intensify their information campaigns and step up their efforts to set up special bodies or encourage existing bodies to advise and assist female workers in availing themselves properly of the means of redress provided for in national legislation on equal treatment.

#### **The Commission**

- will conduct a comparative analysis of national procedures with a view to proposing Community action which, by providing a basis for expert advice in this field and in particular by pointing to examples of good practice, will help Member States to improve their arrangements for legal redress.

## **Revision of national and Community protective legislation (Action 3)**

### *Aim*

To abolish in accordance with Directive 76/207 unjustified protective legislation in the field of access to employment and working conditions and to promote equal standards of protection for men and women.

### *Grounds*

Directive 76/207 stipulates that the Member States should revise protective laws 'when the concern for protection which originally inspired them is no longer well-founded', in particular as a consequence of technological progress and changing customs. In some cases the retention of specific protective measures leads in practice to the exclusion of women from whole sectors of employment or from promotion. Legislation exists in some countries, for example, which forbids the employment of women in industries where loads of above a certain weight require to be lifted (which is in practice done mechanically nowadays); in others, the employment of women on Sundays is forbidden.

These changes must not of course obstruct efforts to provide the highest possible level of protection for both men and women and to humanize and improve working conditions in general. These efforts should so far as possible be based on the principle of equal treatment.

### *Courses of action*

#### **The Member States**

- should continue their efforts to revise protective legislation as provided for in Articles 3(2)(c) and 5(2)(c) of Directive 76/207.

#### **The Commission**

- will back up these efforts by determining, on the basis of objective studies at Community level, which protective measures should be abolished on the grounds that the concern for protection which originally inspired them is no longer well-founded. A study is currently being conducted of the current state of legislation in the Member States, which would enable the

Commission to define its position in this area and identify whether further study or action would be appropriate;

- will endeavour in future to propose Community measures which provide equal protection for men and women and, if necessary, it will revise existing measures which are no longer in keeping with the position it adopts on the basis of the abovementioned study.<sup>1</sup>

### *Preparation of additional provisions and extension to new sectors*

#### **Equal treatment in matters of social security (Action 4)**

##### *Aim*

To achieve equal treatment in occupational social security schemes.

To extend the principle of equal treatment provided for in Directive 79/7 to the sector not falling within its present scope (survivors' pensions and family allowances) or in which an exception could be made (retirement age, increases in long-term benefits, maintenance of rights of women who have brought up a child, possibility of contracting out of a statutory scheme).

To establish gradually the individual social security entitlement of married women or women cohabiting.

##### *Grounds*

Directive 76/207 provides for the progressive implementation of the principle of equal treatment for men and women in matters of social security.

Directive 79/7 applies only to statutory schemes, and the problems arising in the occupational social security schemes should now be resolved. Directive 79/7 did not seek to cover occupational schemes because they were so numerous and because their administrative machinery required further study. The Commission has now done the preparatory work for the adoption of a Community legal instrument.

The persistence of discrimination in those sectors which either are not covered by the Direc-

tive or may be exempted helps to perpetuate inequality of treatment in employment policies as a whole; this is particularly true in respect of retirement ages.

Moreover, the application in several Member States of the head-of-household concept<sup>2</sup> frequently causes direct and indirect discrimination. A number of benefits are either not paid (e.g. widowers' pensions) or are paid out only to one of the spouses (e.g. family allowances) although both partners pay contributions. Despite recent developments in civil law, legislation in the social security sector still reflects the traditional concepts whereby it was the man's responsibility to provide for his family and does not correspond to the present situation in which women and couples work.

##### *Courses of action*

###### **The Member States**

- should take steps to extend the principle of equal treatment to social security schemes which are exempt from the provisions of Directive 79/7 or which are not covered by it.

###### **The Commission**

- will make a proposal for a Community legal instrument relating to the implementation of the principle of equal treatment for men and women in occupational social security schemes;
- will begin the preparatory work for the framing of a legal instrument on the areas which are exempt from or not covered by Directive 79/7;
- will examine the effects of the present system, and in particular those of the application of the head-of-household concept, with a view to formulating Community proposals on the 'individualization' of entitlement in particular to establish the social security entitlement of married women or women cohabiting.<sup>3</sup>

<sup>1</sup> Special protection will continue to be afforded to women in connection with pregnancy and maternity.

<sup>2</sup> Already abolished in civil law in most Member States.

<sup>3</sup> The High-level Conference on the Employment of Women, organized by the OECD in May 1980, issued a statement along these lines.



## **Application of the principle of equal treatment to self-employed women and to women in agriculture, particularly in family enterprises (Action 5)**

### *Aim*

To improve the occupational status of self-employed women and of women in agriculture and to affirm equal access to employment, promotion and vocational training and the right to equality as regards certain social security benefits.

### *Grounds*

Directive 76/207 is applicable to the self-employed; yet it appears from a number of studies undertaken by the Commission and the report on the implementation of the Directive that its translation into fact in the self-employed sector and in family holdings in particular requires special thought and support.

Self-employed women, especially women in agriculture (including wives actively engaged in farming) do not always have a clearly defined occupational status, which makes it difficult, among other things, to identify their contribution to the family income from their earnings; consequently their social security entitlement is also unclear. Even when they play a full part in the family enterprise, their status often remains that of a housewife as defined by matrimonial law. There is, moreover, also a need to improve their opportunities for engaging in vocational training, especially technical and management training, taking account of the Directive of 17 April 1972 on the provision of socio-economic guidance for and the acquisition of occupational skills by persons working in agriculture.<sup>1</sup>

In several countries action is already beginning to be taken, either by improving civil, commercial or tax law or by laying down policies for vocational training or better working conditions and setting up services providing replacements to cover absence for training, participation in the activities of trade organizations, maternity and sickness.

### *Courses of action*

#### **The Member States**

• should eliminate in accordance with Directive 76/207 the constraints preventing application of

the principle of equal treatment to self-employed women and to women in agriculture.

#### **The Commission**

- will continue to scrutinize measures adopted by Member States in various areas recognized as specific to women workers but not covered by Community Directives, with the aim of defining an individual occupational status for self-employed women and women in agriculture including their individual entitlement as regards social security and remuneration. The Commission will seek to improve the conditions for access to training and professional associations and, as regards the agricultural sector, will take account of the equal opportunities dimension in the development of replacement services;
- will propose a Community legal instrument in these areas on the basis of the conclusions of this review.

## **Taxation and the employment of women (Action 6)**

### *Aim*

To implement the principle of equal treatment by revising income tax systems which appear to have an indirect adverse effect on women's employment, their right to work and their promotion in employment.

### *Grounds*

In some Member States the increased proportion of married women in paid employment has influenced the development of fiscal legislation, and led to a questioning of the traditional attitudes built into income tax systems. The question of whether or not the earned incomes of spouses should be aggregated has been reopened after a long period of consensus among fiscal experts that spouses' incomes for tax purposes should be aggregated under progressive tax systems based upon the principle of ability to pay. At the same time, many countries have reviewed the status of married women under fiscal legislation.

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<sup>1</sup> OJ L 96, 23.4.1972.

Three main issues are involved: the appropriate tax differentials between one and two-earner families (a question of horizontal equity); the status of women under fiscal legislation; work disincentives for married women.<sup>1</sup>

The Commission should focus its attention on these issues, in particular the last-mentioned, in connection with the correct application of equal treatment as regards access to employment and working conditions (Directive 76/207).

'The main features of income tax systems which could have a special impact on the work decisions of married women are whether or not the earned incomes of spouses are aggregated the distribution of allowances between the husband and wife and how these change when the wife enters the labour market, and the progressivity of the tax schedule'.<sup>1</sup>

### *Courses of action*

#### **The Member States**

- should eliminate from their taxation systems any provisions constituting indirect discrimination in respect to equal opportunity for women in employment under Article 2(1) of Directive 76/207.

#### **The Commission**

- will undertake a comparative analysis of taxation systems; if it emerges that the systems in effect in certain Member States have any negative effect, even indirect, on equal opportunities for women, it will take such appropriate measures as are within its competence in this area.

### *Improvement in living and working conditions*

#### **Parental leave, leave for family reasons (Action 7)**

##### *Aim*

To extend parental leave and leave for family reasons and at the same time to build up the network of public facilities and services.

### *Grounds*

The sharing of family responsibilities is a precondition of the achievement of equal treatment for men and women. Community action should lend support to the change of attitude on this question which is becoming apparent among the younger generation. The extension of family and parental leave is one aspect of a new distribution of time between work and other activities. In this context the reorganization of working time should avoid reinforcing traditional family roles and instead be used to make an important contribution in the achievement of equal opportunities. It is however important that the granting of family and parental leave does not serve as a pretext for reducing public facilities and services. There is already a welcome tendency in several Member States to grant leave to men and women to care for children in the period immediately following maternity leave (parental leave), and to care for a sick child or a member of the family, in line with Directive 76/207, which stipulates equal treatment in working conditions.

### *Courses of action*

#### **The Member States**

- should examine the possibility of extending parental leave and leave for family reasons (in parallel with efforts to consolidate public facilities and services), taking account of trends towards a new distribution of work and non-work time.

#### **The Commission**

- will conduct a survey on experience gained in the Member States, in addition to the work already undertaken, with a view to establishing Community guidelines on the definition of these types of leave, their duration, the conditions on which they are granted, and at the same time will study the evolution of the network of public facilities and services (reduction or extension);
- will disseminate the information thus compiled to the Member States;

<sup>1</sup> Extract from 'The tax/benefit position of selected income groups in OECD member countries, 1974-78', OECD, Paris 1980.

- will draft a Community legal instrument to promote parental leave and leave for family reasons while maintaining and extending existing public facilities and services.

### **Protection of women during pregnancy or motherhood (Action 8)**

#### *Aim*

To abolish discrimination against pregnant women in recruitment, to improve and harmonize maternity leave and to promote paid leave for antenatal check-ups.

To improve social security cover for pregnant women and mothers, including self-employed women and women in agriculture.

#### *Grounds*

In several Member States neither the refusal to recruit pregnant women nor their dismissal on those grounds is sanctioned. Where maternity leave is concerned, there are deficiencies in several countries as regards the duration and payment of various types of leave. Most of the Member States do not assume the cost of the absences from work of pregnant women for medical check-ups, despite the fact that specialists consider these essential for the detection of pregnancies at risk. Self-employed women and women in agriculture often have inadequate social security protection and sometimes none whatsoever during pregnancy or early motherhood.

On the other hand, provisions for lengthy maternity leave which is not justified on physiological grounds should be avoided since it overlaps into what should be parental leave and serves to reinforce the inequality of opportunity for women in society and employment. Moreover, when the cost of maternity protection is borne by employers, it has an adverse effect on the recruitment of young women.

#### *Courses of action*

##### **The Member States**

- should adopt or supplement measures, including social security provisions, for the protec-

tion of women during pregnancy and early motherhood, so that mothers are not disadvantaged as regards working life.

##### **The Commission**

- will conduct a comparative study and evaluate the financial implications of the measures already adopted by the Member States with a view to identifying the most appropriate protective provisions for motherhood which should take full account of the social function of child-bearing and the financial implications for society as a whole rather than for individual employers;

- will propose Community legislation in this area on the basis of this analysis, if necessary.

### **Achievement of equal opportunities in practice, particularly by means of positive action programmes**

#### **Development of positive action (Action 9)**

#### *Aim*

To promote at national level framework legislation to develop positive action.

#### *Grounds*

The legal provisions on equal treatment are designed to afford rights to individuals; they are inadequate for the elimination of all forms of discrimination unless parallel action and measures are taken, either by governments or by other bodies responsible for different aspects of social policy, to counteract or compensate for the impact of existing social structures on individual behaviour.

Action may take different forms, some of which will entail the adoption of special budgets, ranging from the provision of information, through action which the public authorities may take in awarding public contracts, policies for diversifying vocational training for women and action to remove existing inequalities which affect women's opportunities.

Article 2(4) of Directive 76/207 provides for the Member States to take such measures. Ex-

perience shows that, in the absence of a legal framework of the type existing in the USA<sup>1</sup> to determine the type of action to be taken and the means of implementing it (including the necessary penalties), practical action is generally neglected.

### *Courses of action*

#### **The Member States**

- should extend and diversify positive action already undertaken in the context of the application of Directive 76/207, in particular Article 2(4).

#### **The Commission**

- will lend its support to campaigns undertaken in the Member States to improve knowledge and understanding of this aspect, in particular by organizing seminars;
- will conduct a critical analysis of measures already undertaken in some Member States or in non-Community countries in order to review these measures and prepare a Community instrument on the type of measures to be developed, the resources to be mobilized and the conditions of eligibility.

### *Preparation for working life, initial and continuing training*

#### **Integration into working life (in particular with respect to new technologies) (Action 10)**

##### *Aim*

To promote the diversification of occupational choices for women and the mastering of new technologies, with particular reference to guidance and initial and continuing training.

##### *Grounds*

The traditional stereotyped view of the woman's role, including for example the belief that technical occupations are not 'feminine', tends to be formed from early childhood and continues to be imprinted throughout the train-

ing process. This is probably the single biggest factor in hindering the integration of women in the workforce, especially in areas applying the new technologies.

In several Member States, measures are being taken to break down these views. These include efforts to revise school text-books which propagate stereotyped roles and to introduce pilot schemes for training women, in particular unemployed women, for non-traditional occupations, including areas applying the new technologies. These efforts are, however, still on a fairly small scale and have not succeeded in stimulating a thorough reappraisal of the models which often induce girls not to choose training in technical subjects which could lead to interesting and rewarding employment.

### *Courses of action*

#### **The Member States**

- should undertake, continue or reinforce positive measures to improve equal opportunity in education, guidance and training, particularly in the following areas (see Articles 2(4) and 4 of Directive 76/207):

training, integration and reintegration of women in employment in general and non-traditional occupations in particular;

further training for women in employment within firms, with a view to improving their prospects for promotion or their access to other than unskilled jobs, especially those involving new technologies;

training of vocational guidance counsellors and instructors to make them aware of the need for diversification in the career choices of both girls and boys; particular attention in training counsellors and instructors should be paid to the special needs of immigrant girls;

development of suitable preparatory training and vocational training programmes for immigrant women, bearing in mind the need to respect their cultural identity;

development of training programmes for couples in rural areas;

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<sup>1</sup> Executive Order 11246-1965, as amended by Executive Order 11375-1967.

training for women with a view to reintegration into working life after a break.

### **The Commission**

- should extend its action especially through the European Social Fund and in liaison with the European Centre for the Development of Vocational Training (Cedefop), which have already played a significant promotional role in these areas, and should place further emphasis on the exchange of experience and the comparative evaluation of innovatory action in this field.

### **Vocational choices (Action 11)**

#### *Aim*

To make girls, their families and their schools aware of the job opportunities available to girls.

#### *Grounds*

Measures to promote the diversification of women's occupations will be ineffective if no specific provisions are made for informing those concerned and encouraging them to persevere in opening up occupations and training courses hitherto almost entirely the preserve of men.

The Member States should be encouraged at Community level to follow this path, in particular by introducing programmes which are eligible for support from the ESF.

#### *Courses of action*

##### **The Member States**

- should enable national committees for employment and/or equal opportunities for men and women to conduct a vigorous publicity campaign on opportunities for girls and on their rights in connection with the proper implementation of Directive 76/207, which provides for the abolition of discrimination with regard to access to all types and levels of vocational guidance and training;

- should also do their utmost in accordance with Directive 76/207 to disseminate informa-

tion on educational and training options available to either girls or boys, or to men or women.

### **The Commission**

- will support measures taken by the Member States by establishing an experimental network of equal opportunities' advisers whose task it will be, complementing the activities of the ESF and of the European Centre for the Development of Vocational Training (Cedefop), to foster integrated national programmes on education and training designed to bring about the desired changes, in particular in collaboration with the social partners;

- will compile information on the action taken and disseminate this information in the Member States through the advisory body on equal opportunities and the two sides of industry.

### *Employment*

### **Desegregation of employment (Action 12)**

#### *Aim*

To promote desegregation in employment in all sectors and occupations and at all levels of the occupational hierarchy.

#### *Grounds*

Directive 76/207 calls for the opening of all jobs to women. It is a well-known fact, highlighted in particular at the Manchester Conference, that women workers are concentrated in a few sectors of activity and occupations and at lower hierarchical levels. Moreover, this state of affairs persists even when new markets are opened or new jobs created. This is one of the reasons for the high rate of unemployment among women in the Community. In the public sector, the proportion of women in upper-level and managerial posts is still very low. This situation was underlined by the Council, which on 10 June 1981, on the occasion of the adoption of the report on the application of Directive 76/207, called for 'a more balanced representation of women at the various levels of responsibility'.

Nevertheless, it can be shown that change can be brought about where the political will exists

and where public or private employers wish to apply Directive 76/207 correctly in practice.

Evidence compiled in studies conducted by the European Centre for the Development of Vocational Training on pilot schemes for integrating women in new jobs or upper-level posts demonstrates the capacity of women to occupy any post that is *genuinely* open to them. In particular, the studies presented at the Manchester Conference<sup>1</sup> also showed that equal pay and equal conditions of employment are only possible in sectors where desegregation of employment has really been achieved at all levels.

The process of change must be stimulated by starting with key sectors (such as the civil service), sample sectors (such as the banks, where the Commission has already initiated a project) or pilot schemes (such as cooperatives, new activities in craft occupations, restoration of ancient buildings, etc.).

### *Courses of action*

#### **The Member States**

- should set an example by taking measures to achieve equal opportunities for men and women in public service;
- should draw up lists of appointments by sex at the highest levels of the hierarchy in the major public sectors (as is already happening in some countries);
- should continue work already begun on the setting up of cooperatives to provide services likely to remedy deficiencies in community services and encourage women to participate in the administration and technical management of these cooperatives.

#### **The Commission**

- will conduct a comparative survey with a view to identifying and recommending practical means whereby the Directives can be put into effect in the various public services (e.g. measures to facilitate women's access to upper-level posts, training of women for access to public-sector jobs traditionally reserved for men such as the police force and technical jobs in post and telecommunications offices, entrance examinations restricted to women to redress the balance, in accordance with Directive 76/207);

- will publish, through its existing information network, lists of appointments by sex at the highest levels of the hierarchy in the major public sectors and the Commission itself;

- will support initiatives taken in the Member States to set up cooperatives within the framework of Community priorities for job creation as defined in its October 1981 communication on the priorities for Community action with regard to job creation;<sup>2</sup>

- will establish, with the help of experts, reports on results achieved and factors contributing to change in certain sectors (see, for example, the action-research in progress on employment and equality of opportunity in banks).

### **Analysis of trends in female employment (Action 13)**

#### *Aim*

To assess the progress made towards achieving equal treatment in employment and conditions of employment and towards achieving desegregation.

#### *Grounds*

In some Member States, the USA and some Scandinavian countries, those responsible for framing employment policies feel that studies should be made of the impact of these policies on the achievement of equal opportunities and the desegregation of employment. Such studies should be based not only on statistical data but also on a qualitative analysis of the situation. A number of international organizations (including the UN and the OECD) have already made such studies.

Further information is necessary to indicate the particular implications of the economic crisis on the expansion of insecure forms of employment and part-time work which may well accentuate segregation in employment (women are more likely than men to accept these forms of work given that the burden of family responsibilities

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<sup>1</sup> Confirmed by the preparatory documents for the OECD High-level Conference in May 1980.

<sup>2</sup> Bull. EC 10-1981, points 2.1.46 to 2.1.49.

still rests largely on their shoulders), the provision of public facilities and services, especially nurseries, trends in female migration, often provoked by the inadequacy of social infrastructure, and their effect on regional development.

### *Courses of action*

#### **The Member States**

- should cooperate in establishing comparable data by encouraging the collection of data on the basis of common indicators, in order to:

identify the progress in desegregating employment, e.g. in certain representative sectors;

monitor whether the reorganization of working time, especially possible measures to promote part-time work, does not reinforce the segregation of women in employment;

identify the possible obstacles to more women taking up full-time work;

monitor, in some sample regions, the progress of women in the context of regional development.

#### **The Commission**

- will convene a group of experts to advise on the setting up of a continuous monitoring system linked with existing international measures and networks (Euridyce, Cedefop, etc.) which would support action by Member States on the basis of common indicators;

- will give priority to the insertion in the computer network (CIRCE), in the existing data banks and in the general production of data, of information concerning the situation of women.

### **Application of the principle of equal treatment to women immigrants (Action 14)**

#### *Aim*

To promote the right of immigrant women to equal access to employment and training.

#### *Grounds*

Evidence suggests that the application of the principles laid down in Directive 76/207 on equal treatment have had little or no impact on

women immigrants and that this will remain the case unless special programmes are adopted.

In view of the double disadvantage of immigrant women (namely as women and as outsiders), special efforts are required to adapt and reaffirm the principles laid down in the Directive to take account of their situation. It is, for example, difficult for immigrant women to gain access in practice to the various forms of adult vocational training because of linguistic differences or the inadequacy of their basic education, which is even more striking than that of local women.

### *Courses of action*

#### **The Member States**

- should abolish discrimination which impedes the achievement of the principle of equal treatment for immigrant women in accordance with Directive 76/207 and launch a programme of positive action designed to afford equal opportunities.

#### **The Commission**

- will set up an expert panel to ascertain areas in which discrimination against immigrant women exists and identify specific legal difficulties which prevent them from obtaining employment;

- will carry out a comparative analysis of positive measures introduced by the Member States to promote equal opportunities in employment and training for immigrant women with a view to issuing a recommendation on measures to be carried out in this field.

### *Improvement in the quality of life*

### **Sharing of occupational, family and social responsibilities (Action 15)**

#### *Aim*

To enable both men and women to find fulfilment in and combine satisfactorily their career, their family and their social life.

#### *Grounds*

Up to now the organization of work and many of the other functions of society have been based

essentially on the hypothesis that male adults are free of domestic obligations. Although civil law has been increasingly adapted to a more egalitarian analysis of the status of men and women, this has spread neither to social nor to tax law, thereby creating inconsistencies in the legal system and entailing discrimination against women.

Women remain largely absent from trade union, professional, governmental and Community advisory and decision-making bodies.

A great deal of thought needs to be given to the means of ensuring overall coherence in the legal field, in the organization of work and society in general (taking account especially of the effects of the new technologies and trends towards adaptation of working time) in order to ensure a more equitable sharing of family responsibilities and, in the same way, a more equal share for women at work and in society.

Basic needs in the area of public services and facilities, especially for the care of young children, are still far from being fully provided for, and this constitutes a major obstacle to the attainment of equality for men and women in employment. The economic crisis has exacerbated difficulties in this respect.

### *Courses of action*

#### **The Member States**

- should investigate all possible means to enhance the position of women in decision-making and consultative bodies;
- should attempt to ensure that public services and facilities are organized to take account of working hours, school timetables and the needs of workers and working couples with family responsibilities<sup>1</sup> with a view to promoting equal opportunities for women.

#### **The Commission**

- will suggest issues for consideration with regard to the growing inconsistencies between changing social values on the one hand and the organization of work and fiscal and social law on the other hand. This review should be carried out over the medium term, possibly with the

cooperation of the European Centre for the Development of Vocational Training in Berlin and the European Foundation for the Improvement of Living and Working Conditions in Dublin;

- will analyse progress achieved as regards the position of women in decision-making bodies, particularly those related to employment, and propose Community guidelines to improve the situation;<sup>2</sup>
- will monitor trends in the area of public services and facilities with a view to identifying guidelines at Community level.

### **Evolution in public attitudes (Action 16)**

#### *Aim*

To increase the awareness of the general public and those most directly concerned of positive aspects of the change in attitudes.

#### *Grounds*

As with any process of radical change in society, the progress made by women towards achieving equality, which calls into question traditional sex-related roles, has met with stiff resistance. Frequently only the negative aspects of this process are highlighted.

Stereotyped attitudes and discriminatory behaviour continue and tend to be accentuated by the economic crisis. The changing values to which the ten Member States subscribe in principle and the positive changes they entail must therefore be put across to the public, especially through the mass media.

Action in this field should be carried out by special information activities aimed at a number of target audiences (politicians, employers, trade unions, parents, teachers, etc.).

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<sup>1</sup> See Convention and Recommendation adopted at the 67th session of the International Labour Conference on equal opportunities and equal treatment for men and women workers with family responsibilities.

<sup>2</sup> Bull. EC, 6-1981, point 2.1.60.



## *Courses of action*

### **The Member States**

- should, in the spirit of Directive 76/207, conduct information campaigns aimed at those parties most directly involved, such as employers, workers, women and parents, in order to accelerate the achievement of equal opportunities for women.

### **The Commission**

- will draw up a programme of information activities aimed at various target audiences, in

conjunction with the Member States, in order to improve the impact of national information campaigns;

- will launch measures at Community level to hasten changes in attitudes by involving national information networks (radio, television, women's magazines, the press); and to stimulate cooperation between them (see, for example, the campaigns in women's magazines during the run-up to the elections for the European Parliament).

## Positive action in the personnel policy of the Commission

### *Aim*

To develop within the personnel of the Commission of the European Communities actions aimed at bringing about greater equality between men and women.

### *Grounds*

The Community institutions must themselves be a model of good practice towards public opinion and national administrations in the Member States in the fulfilment of the objectives of Directive 76/207 and in the carrying out of positive action (Article 2(4)) as regards access to employment, promotion and working conditions.

In 1979 the Commission asked a working group called the Committee for Equality between Male and Female Staff to analyse existing inequalities. This group has presented proposals for action aimed at bringing about equal treatment.

### *Courses of action*

The Commission proposes therefore in association with the Committee for Equality, which is chaired by a staff member of the Directorate-General for Personnel and Administration:

- To implement measures based on the analyses already carried out or to be undertaken and in consultation with the Committee for Equality. These measures will deal in particular with the following points:

(i) actions in the field of information, training and consciousness-raising both of personnel and services;

(ii) actions calling for an increased allocation of resources (e.g. improvement of infrastructures);

(iii) actions which will modify certain personnel policies (e.g. recruitment, mobility, information, training, career).

- To prepare, within six months, a first series of measures whose results will be evaluated at the latest at the end of 1982. These measures will apply, for example, to the following points:

#### *Recruitment:*

better wording of competition notices and advertising in order to have better information available to candidates regarding equal opportunities at all levels;

better selection of media used for advertising;

systematic female participation on all selection boards;

occasional contact with departments so that female candidates are not excluded without good reason;

#### *Career:*

systematic female participation on all promotion committees;

#### *Training:*

improve access of women to training courses;

introduce training courses to facilitate return to working life after a lengthy period of personal leave;

training courses for mobility, both lateral and vertical, especially for those in routine tasks.

#### *Reorganization of working hours:*

more flexibility in granting of special leave and short periods of leave on personal grounds for children's health reasons and to inform staff that these provisions apply to parents of both sexes.

- To follow up and develop these actions and to evaluate whether their application and coordination calls for the setting up of a special unit; to ensure that the experience acquired be taken into account during a future revision of the Staff Regulations.

- To evaluate and publish the results obtained at the end of the period covered by the action programme.

## Commission Decision relating to the setting up of an Advisory Committee on Equal Opportunities for Women and Men

### *Explanatory memorandum*

To review past achievements and discuss the outlook for the future, in May 1980 the Commission, jointly with the Equal Opportunities Commission of the United Kingdom, organized a European Conference in Manchester entitled 'Equality for Women: Assessment, Problems, Perspectives — a European Project'. The conference brought together, among others, representatives of the national committees for women's employment and equal opportunities and following this event the Commission has regularly organized meetings of committees and commissions on equal opportunities for women or for women's employment in an informal liaison group whose main task is to advise it on the promotion of equality of opportunities for women and men.

The Commission believes it essential that this Advisory Committee should be given a formal structure to assist it in its task of implementing a new Community action programme on the promotion of equal opportunities for women. It will consult the Committee on all aspects concerning women in every area of Community policy while taking steps to ensure that in the Member States these committees are more representative of all the parties concerned, particularly the two sides of industry.

This body will also provide liaison between national bodies for the promotion of equal opportunities. The draft Decision relating to the setting up of this advisory committee has been drawn up on the basis of experience acquired during its informal operation in 1981 and supplements the abovementioned action programme.

The new Community body will in no way be a substitute for the usual channels for consultation on employment questions—particularly with the two sides of industry—but will supplement it; moreover both sides of industry will be as-

sociated with the Committee's work as observers. Indeed, consultation through the normal channels has already taken place in preparation for this Decision.

The Committee's main task being to advise the Commission, it is incumbent on the latter to take a decision on the questions (OJ L 20, 28.1.1982).

### **Commission Decision of 9 December 1981 relating to the setting up of an Advisory Committee on Equal Opportunities for Women and Men (82/43/EEC)**

The Commission of the European Communities,  
Having regard to the Treaty establishing the  
European Economic Community,

Whereas the application in practice of the principle of equal treatment for women and men must be encouraged by improved cooperation and exchanges of views and experience between those bodies which have special responsibility in the Member States for promoting equality of opportunity, and the Commission;

Whereas the full implementation in practice of Council Directives 75/11/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women,<sup>1</sup> 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions<sup>2</sup> and 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security<sup>3</sup> will be speeded up considerably as a result of the assistance of national bodies with a network of specialized information at their disposal;

Taking account of Directive 72/161/EEC of 17 April 1972 concerning the provision of socio-economic guidance for and the acquisition of occupational skills by persons engaged in agriculture;<sup>4</sup>

<sup>1</sup> OJ L 45, 19.2.1975.

<sup>2</sup> OJ L 39, 14.2.1976.

<sup>3</sup> OJ L 6, 10.1.1979.

<sup>4</sup> OJ L 96, 23.4.1972.

Whereas the preparation and implementation of Community measures concerning the employment of women, the improvement of the position of women who are self-employed and those engaged in agriculture, and the promotion of equal opportunities require close cooperation with the specialized bodies in Member States;

Whereas, therefore, an institutional framework should be set up for the purpose of regular consultations with those bodies,

Has decided as follows:

#### *Article 1*

The Commission hereby establishes an Advisory Committee on Equal Opportunities for Women and Men, hereinafter called 'the Committee'.

#### *Article 2*

1. The Committee shall advise the Commission on the formulation and implementation of its policy to promote women's employment and equal treatment and ensure the continuous exchange of information on experience gained and measures undertaken in the Community in the fields in question.

2. To achieve the aims referred to in paragraph 1 above, the Committee:

— shall exchange information with the Commission on action taken at Community and national level and where appropriate on the follow-up to be given such action,

— shall issue opinions or forward reports to the Commission, particularly in regard to the equal opportunities policy, either at the latter's request or on its own initiative, and to this end shall promote exchanges of information on experience in Member States in sectors within its competence.

3. Procedures for the circulation of the Committee's opinions and reports shall be determined in agreement with the Commission.

#### *Article 3*

1. The Committee shall have 20 members.

2. It shall be composed of two representatives from each Member State appointed from among

the members of national committees or bodies set up by official decision, specifically responsible for questions of women's employment and/or equal opportunities for women and men and representing the sectors concerned. Where there are several such committees or bodies dealing with this subject in a Member State, the Commission shall determine which body, by its objectives, structure, representativeness and degree of independence is best qualified to be represented on the Committee. Any country without such a committee shall be represented by members of bodies considered by the Commission to perform analogous duties.

3. The members of the Committee shall be appointed individually by the Commission, acting on a proposal from the bodies referred to in paragraph 2 above, from among the members of those bodies or their secretariats.

4. The representatives of the two sides of industry at Community level may attend meetings of the Committee as observers, according to the procedure to be determined by their organizations and the Commission.

#### *Article 4*

An alternate shall be appointed for each member of the Committee under the same conditions as those laid down in Article 3. Without prejudice to the provisions of Article 7, the alternate shall not attend meetings of the Committee nor participate in its work unless the relevant member is prevented from doing so.

#### *Article 5*

The term of office of members of the Committee shall be three years and shall be renewable.

At the end of the three-year period, the members of the Committee shall continue in office until a replacement is provided or their term of office is renewed.

A member's term of office shall come to an end before the expiry of the three-year period in the event of her/his resignation, the termination of her/his membership of the organization which she/he represents, or her/his death. A member's term of office may also be terminated if the organization which nominated her/him requests her/his replacement.

The member shall be replaced for the remainder of the term of office in accordance with the procedure laid down in Article 4.

No remuneration shall be attached to member's duties; travelling and subsistence expenses for meetings of the Committee and the working parties set up under Article 8 shall be met by the Commission in accordance with the administrative rules in force.

#### *Article 6*

The Committee shall elect a chairperson from among its members for a period of one year. Election shall be by a majority of two-thirds of the members present; a minimum of 10 votes in favour shall, nevertheless, be required.

The Committee shall elect two vice-chairpersons by the same majority and under the same conditions. In the absence of the chairperson, one of the vice-chairpersons shall take the Chair. The chairperson and vice-chairpersons shall belong to different Member States.

The Commission shall organize the works of the Committee in close cooperation with the chairperson, and secretarial services shall be provided by the Bureau for questions concerning employment and equal treatment for women of the Commission.

#### *Article 7*

The chairperson may invite any person who is specially qualified in a particular subject on the agenda to take part in its work as an expert.

Experts shall only take part in the work on the particular subject for which their attendance is requested.

#### *Article 8*

1. The Committee may set up working parties.
2. For the preparation of its opinions, the Committee may entrust a rapporteur or an outside expert with the task of drawing up reports in accordance with procedures to be determined.

#### *Article 9*

Measures adopted under Articles 7 and 8 having financial implications for the budget of the Euro-

pean Communities shall be submitted for the prior agreement of the Commission and shall be implemented in accordance with the administrative rules in force.

#### *Article 10*

1. The Committee shall be convened by the Commission and shall meet on its premises. It shall meet at least three times a year.
2. Representatives of the Commission shall be entitled to take part in meetings of the Committee and its working parties.

#### *Article 11*

Where the Committee's deliberations are followed by a vote, a two-thirds majority of the members present shall be required. The minimum shall, however, be 10 votes in favour. Where any minority views are expressed, they shall be recorded in the minutes which shall form an Annex to the opinion.

#### *Article 12*

Without prejudice to the provisions of Article 214 of the Treaty, members of the Committee are required not to disclose information obtained in the course of their work on the Committee or its working parties when informed by the Commission that the opinion requested or question asked concerns a confidential matter.

In such cases, only members of the Committee and representatives of the Commission departments shall attend meetings.

#### *Article 13*

This Decision shall enter into force on 1 January 1982.

Done at Brussels, 9 December 1981.

*For the Commission*

*The President*

G. Thorn

European Communities – Commission

**A new Community action programme on the promotion of equal opportunities for women, 1982-85**

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The task of achieving equal treatment and equal opportunities for men and women in society, particularly in employment, is inevitably a complex and time-consuming business. The Community's longstanding commitment in this field has established it as a pioneer and innovator. The Community has a responsibility to sustain its commitment and persevere with the task, building on its achievements to date and adapting its policies in the light of economic and social developments. This is the purpose of the new action programme presented by the Commission in response to the resolution on the situation of women passed by Parliament in February 1981.